

### REMARKS

This amendment is in response to the Office Action dated February 5, 2008 in which claims 21-39 were initially rejected. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

#### I. CLAIM REJECTIONS UNDER §112

Claim 35 was rejected under §112, second paragraph as being indefinite with respect to “said elementary information”.

Accordingly, claim 35 has been amended to replace “said elementary information” by “said binary information”, which is supported in claim 21.

#### II. CLAIM REJECTIONS UNDER §102(b)

Claims 21-39 were rejected under 35 U.S.C. 102(b) as being anticipated by Philippe et al. (WO0158189).

##### A. **Philippe**

Philippe discloses the use of a dual band unidirectional scheme in a cellular communication system implementing at least two cellular networks, one of which being a unidirectional network:

- a first cellular telecommunications network enabling communication according to a protocol of the type FDD to one or more terminal;
- a second cellular unidirectional radio telecommunications network which at least partly overlaps the first cellular radio telecommunications network for providing unidirectional simplex radio transmissions to one or more terminal.

A main disadvantage of the technique from Philippe is that a special uplink channel (channel USDCH) must be used to carry some information for controlling the unidirectional network (simplex network 5) of a user equipment toward the bidirectional network (duplex network 4).

As a matter of fact, Philippe specifies:

- *“for downlink data errors which need to be reported back to network 5, the special uplink USDCH provides a transport means in network 4 for returning*

*error control messages to network 5*” (page 16, lines 11 to 13) ;

- *“information concerning the quality of the downlink transmissions in network 5 may also be reported back to the network 4 using the special simplex uplink channel USDCH in network 4”* (page 16, lines 21 to 24).

According to Philippe, a dedicated channel must be used to transmit information for controlling the unidirectional network 5.

#### **B. The Present Application**

According to the present application, and contrary to Philippe, a single and unique physical channel is used (page 7, line 19: *“The general principle of the invention consists of using a physical channel dedicated to periodic transmission of isolated binary data to transmit data designed to control the power of the receiver base station and another purpose”*), for example with the TPC channel, to carry information for controlling the transmission power of a base station from the bidirectional network and information intended to another function.

Second information designed to a purpose other than controlling the power of a first base station are therefore inserted on the channel carrying first information for controlling the transmission power of the first base station, among first information.

This is particularly described in the specification, page 12, lines 13-17, of the English version of the patent application.

The discussed invention therefore proposes to use the same channel to carry information for controlling the transmission power of a base station (first base station) in the bidirectional network (first information) and information designed to a purpose other than controlling the power of the first base station (second information), for example information for controlling the transmission power of a base station in a unidirectional network (second base station), and keeping at the same time the power control performances at the first base station (page 8, lines 3-9).

As a consequence, claim 1 is new with respect to Philippe, which does not disclose the features of claim 21.

In order to clarify the fact that first information and second information are carried on the same channel, the Applicant provides an amended set of claims in which independent claims

have been amended to specify that the second information is inserted among the first information, as described in the specification on page 12, lines 13-17.

In this way, it is clear that first information and second information are transmitted in the same "message": the invention does not need the addition of a dedicated channel to transmit information for controlling the unidirectional network, as described in Philippe.

Thus, an embodiment of the present invention allows the optimization of the data transmission (page 3, lines 7-8), without damaging the performances for the power control of the first base station.

Moreover, as specified in the specification (page 9, lines 1-4), an embodiment of the invention allows the existing communication protocol to be kept (it allows for example the UMTS protocol interface to be kept).

Respectfully submitted,  
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